

1 Robert F. Clarke, Esq. (CSBN 79881)
2 PHILLIPS & ASSOCIATES
3 3030 North Third Street, Suite 1100
4 Phoenix, Arizona 85012
5 Telephone: (602) 258-8900 ext. 328
6 Facsimile: (602) 288-1632
7 E-Mail: bobc@phillipslaw.ws

8 Attorneys for Plaintiffs (See signature page
9 for complete list of represented parties)

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 MELONEY WRIGHT, et al.,

13 Plaintiffs,

14 vs.

15 ORTHO-MCNEIL CORPORATION, et al.,

16 Defendants.

Case No. 07-cv-2541-SC

**NOTICE OF AND PLAINTIFFS'
MOTION TO REMAND TO STATE
COURT**

The Honorable Samuel Conti
Courtroom 1, 17th Floor
Date: July 27, 2007
Time: 10:00 a.m.

17 Please take notice that on July 27, 2007, at 10:00 a.m. in the above captioned court, located
18 at 450 Golden Gate Avenue, San Francisco, California, the Court will consider Plaintiffs' motion
19 to remand this case to the Superior Court of California, for the County of San Francisco. The motion
20 is made on the grounds that the removal of the action based on diversity of citizenship was
21 erroneous. There is not complete diversity of citizenship between the Plaintiffs and defendants, and
22 Defendant McKesson Corporation is neither a sham nor a fraudulently joined Defendant.

23 This motion is based on 28 U.S.C. § 1447(c), the Memorandum of Points and Authorities
24 in Support of Plaintiffs' Motion to Remand to State Court, the Declaration of Robert F. Clarke in
25 Support of Plaintiffs' Motion to Remand to State Court, the Court's file in this action, any matters
26 of which the Court may take judicial notice, and any oral argument presented at the hearing of this
27 matter.

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1 Dated: June 4, 2007

PHILLIPS & ASSOCIATES

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3 By s/Robert F. Clarke
Robert F. Clarke
E-mail: bobc@phillipslaw.ws

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5 Attorneys for Plaintiffs Meloney Wright,
Donny Wright, Danyele Bacon, Diana
6 Burk, Tina Leiphart, Nubia Flores, Molly
Kirkpatrick, Reynalda Alvarado, Gayle
7 Anderson, Veronique Peters, Donny
Peters, Lakeya Baskom, Tiffany Lillie,
8 Lorraine Fontanilla-Webber, and Ashley
Webber.

